

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 28891		Date of mailing (day/month/year) 28 SEP 2009
FOR FURTHER ACTION See paragraph 2 below		
International application No. PCT/IL05/00090	International filing date (day/month/year) 25 January 2005 (25.01.2005)	Priority date (day/month/year) 27 January 2004 (27.01.2004)
International Patent Classification (IPC) or both national classification and IPC IPC(7): G01N 21/64; C12M 1/36; G01N 1/10 and US Cl.: 422/82.07, 82.11, 102; 435/286.5, 288.5, 288.7; 356/246, 442; 250/238		
Applicant ROMOV AT TEL AVIV UNIVERSITY LTD.		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

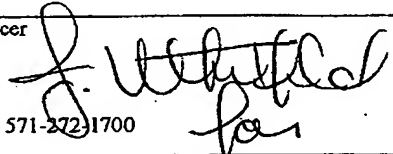
2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer John Kim  Telephone No. 571-272-1700
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IL05/00090

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____ which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/IL05/00090

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims Please See Continuation Sheet YES

Claims Please See Continuation Sheet NO

Inventive step (IS)

Claims Please See Continuation Sheet YES

Claims Please See Continuation Sheet NO

Industrial applicability (IA)

Claims Please See Continuation Sheet YES

Claims Please See Continuation Sheet NO

2. Citations and explanations:

Claims 1-13,15,17,18,21,32,33,35-37,39-46,49-59,172,175,176,179-185,200,201,203-205,208-211,215-218,220,232, lack novelty under PCT Article 33(2) as being anticipated by US 6,664,104 B2 (POURAHMADI ET AL.).

The US patent discloses a microfluidic device comprising a plurality of chambers connected by channels. The device further comprises means for heating reactants in the chambers and optical and electrical means of detection. See col.3, lines 13-15, 57-60; col.6, lines 8-14; col.8, lines 26-27; col.13, lines 5-20; col.17, lines 62-67

Claims 129-155 lacks novelty under PCT Article 33(2) as being anticipated by US 6,565,815 B1 (CHANG ET AL.)

The CHANG patent discloses a plurality of microfluidic cassettes each comprising chambers connected by microfluidic channels and optical excitation and emission waveguides.

Claims 1,16,19,20,22-31,34,38,47,48,60-128,156-171,173,174,177,178,186-199,202,206,207,212-214,219,221-231,233-242, meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest the structural elements defined therein.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V.1. Reasoned Statements:

The opinion as to Novelty was positive (Yes) with respect to claims NONE 14, 16, 19, 20, 22-31, 34, 38, 47, 48, 60-128, 156-171, 173, 174, 177, 178, 186-199, 202, 206, 207, 212, 214, 219, 221-231, 233-242

The opinion as to Novelty was negative (No) with respect to claims 1-13, 15, 17, 18, 21, 32, 33, 35-37, 39-46, 49-59, 129-155, 172, 175, 176, 179-185, 200, 201, 203, 205, 208-211, 215-218, 220, 232

The opinion as to Inventive Step was positive (Yes) with respect to claims 14, 16, 19, 20, 22-31, 34, 38, 47, 48, 60-128, 156-171, 173, 174, 177, 178, 186-199, 202, 206, 207, 212, 214, 219, 221-231, 233-242

The opinion as to Inventive Step was negative (NO) with respect to claims 1-13, 15, 17, 18, 21, 32, 33, 35-37, 39-46, 49-59, 129-155, 172, 175, 176, 179-185, 200, 201, 203-205, 208-211, 215-218, 220, 232

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-242

The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE